

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04cv249**

**DEEP GAP FARM, INC.; GEORGE G.
LEVIN; and GAYLA SUE LEVIN,**)
)
)
 Plaintiffs,)
)
 Vs.)
)
 CHARLES AUSBURN; and DEEP GAP)
 CATTLE & TIMBER CO., LLC,)
)
 Defendants.)
 _____)

**ORDER OF
DISMISSAL**

THIS MATTER is before the court in accordance with the provisions of 28, United States Code, Section 636(c), and upon defendants' Motion to Dismiss and plaintiffs' timely response. Review of the pleadings reveals that this court lacks diversity jurisdiction over this matter. The court appreciates the fine manner in which respective counsel have resolved the instant motion. Having considered defendants' motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion to Dismiss (#43) is **GRANTED**, and this action is **DISMISSED** without prejudice for lack of jurisdiction.

Signed: August 18, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

